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CONGRESS, }
Session. }

SENATE.

{ DOCUMENT
No. 241.

AMNESTY TO PRISONERS SINCE THE ARMISTICE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

IN RESPONSE TO A SENATE RESOLUTION OF JANUARY 13, 1920,
A COMMUNICATION FROM THE ACTING SECRETARY OF STATE
SHOWING THE ACTION OF GREAT BRITAIN, FRANCE, ITALY, AND
BELGIUM IN THE MATTER OF AMNESTY TO MILITARY, POLIT-
ICAL, OR OTHER PRISONERS SINCE THE SIGNING OF THE
ARMISTICE.

MARCH 1, 1920.—Read; ordered to lie on the table and to be printed.

To the SENATE:

I transmit herewith a communication from the Acting Secretary of State replying to the resolution of the Senate, dated January 13, 1920, requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these governments have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice, November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
February 27, 1920.

The PRESIDENT:

In response to a resolution adopted by the Senate of the United States on January 13, 1920 (No. 278), requesting the Secretary of State "to procure and furnish the Senate information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners, since the signing of the armistice November 11, 1918," the undersigned, the Acting

Secretary of State, has the honor to transmit herewith copies of translations of the full text of the French amnesty law of October 24, 1919, as published in the Journal Officiel of October 25; copies of two notes of January 6, 1920, and January 20, 1920, respectively, received by the American ambassador at London from the British foreign office together with inclosures accompanying them explanatory of the policy of the British Government with respect to the granting of amnesty; and a summary of the Italian amnesty decree of February 22, 1919, and copies of translations of the Italian amnesty decrees of July 4, 1919, and September 2, 1919, together with analyses of them, made in the office of the Judge Advocate General of the Army.

I have further the honor to transmit to you a brief report of the steps taken in the question of amnesty by the Belgian Government. This report is based upon a telegram from the American embassy at Brussels; a translation of the Belgian amnesty law is being forwarded by mail to the Department of State and I shall not fail to transmit it to you in due course.

There is also inclosed herewith a copy of an amnesty proclamation issued by the Governor General of Canada, dated December 20, 1919.

Respectfully submitted.

FRANK L. POLK,
Acting Secretary of State.

DEPARTMENT OF STATE,
 Washington, February 19, 1920.

[Translation—Extract from the Journal Officiel of Oct. 25, 1919.]

AMNESTY LAW.

The Senate and the Chamber of Deputies have adopted.

The President of the Republic promulgates the law, the tenor of which is as follows:

ARTICLE 1. Full and entire amnesty is granted for acts committed prior to October 19, 1919, and covered by the following articles of the penal code:

153 to 157, inclusive; 161 to 162; 192 to 196, inclusive; 199 to 208; 212 to 213; 222 to 230; 236; 249 to 252; 254 to 255; 257 to 259; 271 to 276; 309, paragraphs 1 and 2; 311, paragraph 1; 314 and law of May 24, 1834; 319 to 329, inclusive; 337 to 339; 346 to 348; 356 to 359; 373 to 376; 402, paragraph 3; 471 to 482.

ART. 2. Full and entire amnesty is granted for the following acts committed prior to October 19, 1919:

1. All offenses and contraventions in matters of meetings, elections, strikes, and demonstrations on the public highway;

2. All offenses and contraventions covered by the law concerning the press of July 29, 1881, and infractions anticipated by the laws of June 11, 1887, and March 19, 1889;

3. Infractions anticipated by the law of August 5, 1914, concerning indiscretions of the press in time of war;

4. All infractions anticipated by the law of March 21, 1884;

5. All infractions anticipated by the laws of July 1, 1901, December 4, 1902, July 7, 1904;

6. All infractions anticipated by the law of December 9, 1905;
7. All infractions anticipated by the laws of November 2, 1892, June 12, 1893, modified by those of July 11, 1903, March 30, 1900, and by the decrees relative to the protection of the work of adults
8. All acts connected with the above infractions;
9. Infractions of article 5 of the law of May 21, 1836;
10. All offenses and contraventions in matters pertaining to forestry, shooting, fishing in rivers and seas, roads and by-roads, the policing of traffic and police-court offenses, no matter what tribunal passed thereon;
11. Offenses and contraventions in connection with the policing of railroads and street car lines;
12. Infractions anticipated by the law of July 3, 1877, concerning requisitions;
13. Failure to declare wreckage and misappropriation of the same;
14. All offenses and contraventions not condemned by the law of July 31, 1913, connected with the events which happened in 1911 in the wine-growing territories of the departments of Marne, Aube, and Aisne;
15. Acts punished by article 408 of the penal code for condemnations pronounced against soldiers by court-martial conformably to the provisions of article 267 of the code of military justice and which did not exceed three months' imprisonment;
16. All offenses committed (either before or after Aug. 1, 1914), the prosecution of which has been stopped or delayed by the state of war and the criminality of which would be to-day expunged by the privileges granted in the course of hostilities if these privileges had not been interrupted by further acts, exception being made as regards the infractions of the laws of July 24, 1867, and other company laws, as well as articles 405, 406, 408, of the Penal Code:
17. All acts having given rise to or which may give rise to disciplinary penalties without entailing any right to reintegration.
18. Infractions of article 4 of the decree of July 22, 1918, sanctioned by the law of February 10, 1918.
19. Infractions committed in matters of indirect taxes when the amount of the compromise reached or the condemnations pronounced and passed into law do not exceed 100 francs, or when for cases which have not yet reached a compromise or a definite condemnation, the minimum of the penalties incurred shall not be greater than 600 francs.
28. Infractions committed in customs matters, when the amount of the pecuniary penalties incurred or the compromise reached, but not yet final, do not exceed 625 francs, and when merchandise originating or proceeding from enemy countries is not involved.
- Summonses for the execution of a contract in connection with work to be executed, and periods fixed for execution, as provided for by application of articles 68, 69, and 174 of Book II of the Code of Labor and Social Foresight, shall be maintained.
- It shall not be considered that a new saloon or bar has been opened (new establishments being prohibited by art. 10 of the law of Nov. 9, 1915) when it is a question of the reopening within six months from the date of the present law, of an establishment which was closed for infraction of the law of March 16, 1915, committed during the mobilization of its proprietor.

ART. 3. Full and entire amnesty is granted for infractions committed before October 19, 1919:

1. By all those who on this date shall have benefited by the decree of grace, by a total remittance of the penalty when it is a question of a crime or even a partial remittance, when it is a question of an offense.

2. By all those who, on this date, shall have benefited by a suspension of the execution of the penalty by application of the laws of March 26, 1891, June 28, 1904, and April 27, 1916.

ART. 4. Full and entire amnesty is granted for offenses committed before October 19, 1919:

1. By all sailors or soldiers who, during the war, were cited on the order of the day, prior to the infraction, or who have been disabled or placed on the retired list for wounds or illness contracted or aggravated in service.

2. By fathers and mothers having had a son killed on the field of honor or disabled in the war.

3. By widows of soldiers or sailors killed in the war.

In no case shall the provisions of the present article of paragraph 2 of the preceding article be applied to commercial transactions with the enemy or to acts condemned by the law of April 18, 1886, against espionage, by the law of April 20, 1916, relative to illicit speculation, and by article 20 of the law of July 1, 1916, on war profits.

ART. 5. Full and entire amnesty is granted for all infractions committed prior to October 19, 1919, anticipated by the following articles of the Code of Military Justice for the land forces: Articles 211, 2 and 3; 212, 213, 2 and 3; 214, 216, 218, paragraphs 2 and 3; 219, 2 and 3; 220, paragraph 4; 223, paragraph 2; 224, 225, paragraph 1; 229, 244, 245, 246, 254, 266, 271.

ART. 6. Full and entire amnesty is granted for all infractions committed prior to October 19, 1919, anticipated by the following articles of the code of military justice for the sea forces: Article 282, 2; 283, 3, and the four last subparagraphs of same article; 284, 3; 285, 286, 287, 288, 291, 294, paragraph 2; 295, 296, 2 and 3; 297, paragraph 4; 300, paragraph 2; 301, 2; 302, 303, 304, paragraph 1; 308, 325, 326, 327, 328, 340, paragraph 1; 341, 342, 344, 345, 350, 359, 361, paragraphs 2 and 3; 363, 369.

ART. 7. Amnesty is granted for offenses penalized in article 156 of the Penal Code and committed by members of the land or sea forces prior to October 19, 1919.

ART. 8. Amnesty is granted for acts of desertion in the interior when the offender gave himself up voluntarily before November 1, 1918, and when the duration of the desertion did not exceed two months.

ART. 9. Amnesty is granted, conformably to the provisions of the preceding article, for defaulters who have been declared such, prior to August 5, 1914.

ART. 10. Amnesty is likewise granted for all offenses and contraventions in matters of maritime navigation committed prior to October 19, 1919, and, in particular, infractions of the provisions of the decrees, regulations, and orders of the maritime authorities made or given in execution of the law of July 2, 1916, on maritime policy.

The fines paid to the Treasury shall not be reimbursed when the judgment which passed thereon became definitive prior to October 19, 1919.

ART. 11. All tradesmen mobilized in time of war, who prior to October 19, 1919, were declared bankrupt or in liquidation, are reinstated in all their rights, express reservation being made, however, as regards rights of creditors.

ART. 12. In no case can the amnesty be opposed to the rights of third parties, which parties should bring their action before the civil court, if it is a matter for the court of assizes, or if the criminal court has not already the case in hand, without it being possible to oppose a plea in bar to the plaintiff as authorized by article 46 of the law of July 29, 1881.

ART. 13. Any citizen having benefited by the amnesty and whose condemnation has caused his erasure from the electoral lists may, within the time limit of 30 days following the promulgation of the present law, claim his inscription on the lists of the commune where he was accustomed to exercise his electoral rights.

The period of 30 days provided in the preceding paragraph shall only commence to run for the mobilized citizen from the day of his demobilization.

ART. 14. The present law is applicable to Algeria, the colonies, and protectorate countries where French jurisdiction is in force.

Subjects of nations previously at war with France are excepted from these provisions.

The present law, after discussion and adoption by the Senate and the Chamber of Deputies, will be executed as a law of the State.

Given at Paris, October 24, 1919.

R. POINCARÉ.

By the President of the Republic:

GEORGES CLEMENCEAU,
The President of the Council, Minister of War.
LOUIS NAIL,
The Keeper of the Seals, Minister of Justice.
GEORGES LEYGUES,
The Minister of the Marine.

FOREIGN OFFICE,
January 6, 1920.

YOUR EXCELLENCY: In reply to Mr. Williams's letter to Mr. Stewart of the 11th ultimo, inquiring as to the policy of His Majesty's Government with regard to a general amnesty for soldiers and civilians, I have the honor to inform you that His Majesty's Government after carefully considering various proposals for the exercise of the royal prerogative in favor of prisoners serving sentences of imprisonment of penal servitude decided that either a general measure of this kind or an amnesty for a particular class of prisoners would be open to serious objections.

2. I inclose a copy of a reply made by Mr. Bonar Law to a question in the House of Commons on the 5 June last, announcing the cabinet's decision with regard to the grant of a general amnesty, together with copies of further questions and answers dealing with the release of prisoners and of a circular, issued by the home office, relative to the remission of minor offenses committed by members of His Majesty's

forces prior to their joining the colors. Fines and terms of imprisonment imposed in default of fines have been remitted in accordance with this circular, and incidents where the mere fact of a conviction would have disqualified an ex-member of His Majesty's forces from holding a license, e. g., a license to sell liquor, or operated to prevent the grant of a license, e. g., to drive a public carriage, the home secretary has recommended His Majesty to grant a free pardon in order that the disqualification may be remitted.

3. I have to add that the general remission in the nature of an amnesty which was granted on the occasion of the accession of His present Majesty in 1910 gave rise to considerable difficulty, and from the experience then gained His Majesty's Government concluded that the disadvantages attached to a general amnesty to persons convicted of criminal offenses were calculated to outweigh any resultant benefits.

I have the honor to be, with the highest consideration,
Your Excellency's most obedient, humble servant.

HOME OFFICE, WHITEHALL,
August 1, 1919.

Outstanding warrants against discharged soldiers.

SIR: I am directed by the secretary of state to say that several cases have come to his notice in which a discharged member of His Majesty's forces has been arrested on an outstanding warrant in respect of an offense of a trifling character committed before the defendant joined the colors. He is of opinion that in such cases the police should always consult the magistrates before taking any steps to execute the warrant.

In those cases where the man has been convicted and the warrant is for his committal to prison in default of payment of a fine he would be glad if the police would inform the magistrates that if they think remission of the penalty would be justified on the ground of the man's service in His Majesty's forces since the commission of his offense he would be ready to consider favorably any recommendation to this effect they might feel able to make.

I am, sir, your obedient servant,

H. B. SIMPSON.

The CHIEF CONSTABLE.

DECEMBER 10, 1919.

Mr. Kiley asked the secretary of state for war whether he is aware that during the war many soldiers were sentenced to terms of imprisonment for offenses other than criminal; is he aware that these men were not then imprisoned but were put in the firing line, and those who were not killed or maimed were sent to prison after the armistice was signed; and, in view of the fact that nearly all the Great Powers have released their military prisoners, is he prepared to advise similar action so far as British soldiers are concerned?

MR. CHURCHILL. I can not accept the terms of the honorable member's question as a correct representation of the facts. During the war many soldiers were sentenced to terms of penal servitude and imprisonment for offenses other than those of a criminal nature, of whom many thousands in fact never served one single day of such sentences.

This is due to the operation of the army suspension of sentences act, which I venture to claim is the most humane measure that has ever been passed in the history of the British Army. Under that act it is possible for a soldier by an act of gallantry or satisfactory conduct in action, or by a period of good conduct, to earn absolute and complete remission of his sentence. There have been cases where soldiers convicted by courts-martial of most serious offenses have within a few weeks, or even days, earned immediate remission of their sentence through their gallantry in action. I can not state exactly the number of cases where sentences have been suspended, but 20,000 men have probably received the benefits of this act. All sentences in a state of suspension lapsed automatically on the demobilization of the soldiers, and, moreover, the fact that a soldier is under suspension of sentence does not debar his demobilization.

On the other hand, with regard to soldiers who have abused the privileges which the act has extended to them, there was power under the act that for subsequent offenses of misconduct the sentence so suspended might be put into execution. Again, I can not quote precise figures, but there doubtless has been a considerable number of cases where soldiers have been committed to prison to undergo a previously suspended sentence.

But the clemency which has been extended to the soldier does not end with the army suspension of sentences act. A most careful and complete review of all sentences of penal servitude and imprisonment has been going on not only all through the war but since the armistice as prisoners arrive in this country, and as a result I am glad to be able to say that the sentences of all soldiers under sentence at the armistice have now passed under review with the following result:

Four hundred and forty-five sentences of penal servitude have been reviewed for the first time.

Of these there have been 40 complete remissions and 96 immediate mitigations to lesser punishments.

Of these 445, 198 sentences of penal servitude have now been reviewed for the second time and large reductions effected.

To give an idea of the scale of the reduction I should mention that of the 198 cases reviewed, a second time, 1,207 years out of an aggregate of 1,659 years have been eliminated from the sentences, and the prisoner informed of the exact day when he will be released from prison provided he behaves himself.

This second review will in due course be completed, and a similar scale of reductions may be anticipated with regard to them; 918 cases of imprisonment have been reviewed, of which 251 have been totally remitted and 330 commuted to the lesser punishment of detention.

Further, about 950 soldiers have been released from detention, and the weekly releases from detention average about 40. It will thus be seen that no soldier has been permitted to remain undergoing penal servitude imprisonment, or detention without the most careful inquiry and consideration having been given to his case, and the most substantial remissions possible being granted to him.

It can fairly be claimed, therefore, that no soldier has during this war or since been allowed to remain forgotten in prison. The utmost clemency has been extended to him all through the war, and since

not only by the operations of the army suspension of sentences act but by the continuous review to which all sentences have been and are being submitted.

If any Member will place me in possession of the particulars of any case in which he considers hardship is being inflicted, I shall be glad to furnish all information as to the nature of the offenses which the soldier has committed, the punishment which he is undergoing, and the date upon which he will secure his release if his conduct is satisfactory.

PEACE CELEBRATIONS—AMNESTY (CABINET DECISION).

JUNE 5, 1919.

Lieut. Commander Kenworthy asked the Prime Minister whether he will advise His Majesty to grant an amnesty to men in prison for purely political, naval, and military offenses on the signing of the peace treaty?

Mr. BONAR LAW. After very careful consideration of the subject by the Cabinet it has been decided not to adopt the course suggested.

MILITARY PRISONERS—STATEMENT BY MR. CHURCHILL.

DECEMBER 10, 1919.

Mr. T. A. Lewis asked the Secretary of State for War whether he can see his way to release all soldiers now serving sentences of penal servitude and imprisonment for purely military offenses?

Mr. CHURCHILL. As I have already stated on previous occasions, the Government decided after very careful consideration not to adopt the course suggested. I would, however, draw my honorable friend's attention to the statement which I am about to make in answer to question No. 82 on the subject of the suspensions and remission of sentences generally.

BRITISH ARMY—MILITARY OFFENSES (SENTENCES).

DECEMBER 16, 1919.

Mr. Hailwood asked the Secretary of State for War whether he will consider the release of all men in the Army who are undergoing sentences for military offenses committed during the war?

Mr. CHURCHILL. I would refer my honorable friend to my reply on Wednesday last to my honorable and gallant friend the member for Pontypridd, and to the full statement which I made on the subject of the suspension and remission of sentences generally.

Mr. HAILWOOD. Does not the right honorable gentleman consider that a man with two or three years' service to his credit is more entitled to release than a conscientious objector?

Mr. CHURCHILL. I do not quite realize what my honorable friend has in his mind. Does he mean that a man who has committed a murder with two or three years' military service is more entitled to release than a conscientious objector?

Mr. HAILWOOD. No; I meant men having two or three years service to their credit, although they have committed some military crime, are more entitled to freedom than conscientious objectors.

Mr. CHURCHILL. The men who are in prison still have committed the most serious military crimes—crimes which in war time are practically within the area of the death sentence. I do not consider it is possible to deal with such men in any other way than the way we have done.

FOREIGN OFFICE,
January 20, 1920.

YOUR EXCELLENCY: With further reference to my note No. 167195/50, of the 6th instant, relative to the policy of His Majesty's Government with regard to a general amnesty for soldiers and civilians, I have the honor to inform you of the following further particulars with regard to offenses against discipline in the navy.

Serious offenses of this nature were relatively few in number during the war, notwithstanding the great increase in naval forces and the subjection to naval discipline of mercantile ratings in auxiliaries.

Throughout this period there was no practical increase in the exceptional powers conferred on senior naval officers in respect of summary punishment and court-martial sentences, and all serious cases continued, as in time of peace, to be submitted for review to the admiralty, thereby insuring the immediate standardization of sentences and their reduction or suspension where it appeared necessary to the lords commissioners.

The same system has been observed with regard to offenses committed since the armistice and has enabled the admiralty to take into consideration any exceptional hardship or other mitigating circumstances and to reduce sentences or remit punishments when such action appeared justifiable.

I have the honor to be, with the highest consideration, Your Excellency's most obedient humble servant,

For Earl Curzon of Kedleston:

GERALD SPICER.

His Excellency the Hon. JOHN W. DAVIS.

Summary of Italian amnesty decree, as published in the *Gazzetta Ufficiale* of February 23, 1919:

FOR MILITARY OFFENSES.

An amnesty is granted—

1. For all offenses, to those decorated for bravery and to those promoted for good conduct on the field.

2. For all offenses with some exceptions (arson, looting, homicide, rebellion, treason, espionage, etc.) to men maimed in the war.

3. For offenses arising from infractions of the penal and disciplinary regulations in force in factories producing war material.

4. For offenses which are punished by a maximum penalty of three years' imprisonment, or 3,000 lire fine, or suspension from service.

5. For offenses committed through negligence or incapacity, unless committed for pecuniary motives.

6. For those offenses of desertion in regard to which penal proceedings have been suspended, or else for a period of unauthorized absence under 15 days in regard to deserters who reported themselves of their own free will before October 31, 1918, or who have some war merits (wounded, maimed men, etc.), or who committed the offense at the end of a furlough or exemption period, or else after the cessation of hostilities.

7. For offenses of aiding and abetting desertion committed by close relations of the deserter.

Sentence is commuted in certain specified cases of desertion or complicity in desertion; in regard to sentences entailing a maximum of three years' imprisonment or a maximum fine of 2,000 lire; or suspension from service inflicted upon officers by the military courts, the execution of which sentences was deferred during the war. Other sentences are reduced by three years or by 2,000 lire. Suspended or deferred sentences are commuted to conditional sentences, and if heavier than three years are reduced to that limit, always with the condition that the offender has satisfactorily accomplished his military duties during the period of suspension of sentence.

The following are excluded from the greater part of these benefits: Those who have already been sentenced to more than six months' imprisonment for offenses against persons or property, as well as those placed under special surveillance.

The option is given of granting the suspension of pecuniary sentences or of sentences not greater than 18 months' imprisonment; of granting provisional liberty for those offenses which the law punishes with sentences not greater than 20 years' imprisonment; and of granting conditional liberty to those condemned to a term of more than two years, who have served half their sentence and not less than two years, always with the condition that the remainder of the term does not exceed four years.

FOR NONMILITARY OFFENSES.

An amnesty is granted—

1. For those offenses in regard to which the law inflicts a minimum sentence of five years' imprisonment or any pecuniary sentence whatsoever to those decorated for bravery or promoted for merit of war, and in regard to offenses punished with a sentence of less than three years' imprisonment to those maimed in the war;

2. For offenses of failure to report for military service in regard to which the penal proceedings or the execution of the sentence has been suspended;

3. For certain offenses against the security of the State—outrage to the flag; insults to the King, the Chamber, or the Senate; censure of the King or of the constitutional institutions;

4. For offenses of instigation to crime and of excusing crime;

5. For offenses committed in connection with popular movements, demonstrations, etc.;

6. For infractions of the regulations concerning the press and of some of the special measures adopted in regard to public security;

7. For offenses committed by minors, if younger than 16 years of age, and first offenders;

8. For offenses committed by relatives (parents, children, wife, or brothers and sisters) of those killed or maimed in the war, in regard to which offenses the sentence inflicted is not greater than 30 months' imprisonment or a fine of 3,000 lire;

9. For all offenses which are punished with a sentence of not more than 6 months' imprisonment or with a fine of not more than 2,000 lire;

10. For all infractions of the laws and regulations concerning the formalities of registration, the notarial arrangements, and the postal laws; for infractions of some of the regulations of the commercial code—concerning the obligations of societies in regard to deeds, convocations of general assemblies, issue of bonds, stock, both registered and payable to bearer; administration and liquidation of companies, administration of cooperative societies, foreign societies, etc.;

11. For infractions of the regulations concerning foodstuffs.

Pardons and reductions of sentences are also granted to the relatives of those killed or wounded in the war, as well as in regard to sentences of not more than 4 months' imprisonment or a fine of 1,000 lire.

Similarly to what has been settled by the decree concerning the military offenses, here, too, the following are excluded from the greater part of the above-mentioned benefits: Those who have already been sentenced more than once or only once; for more than six months; for association; for criminal purposes; for offenses against persons or property, as well as those placed under special surveillance.

Official communication of the Stefani agency concerning the amnesty decree:

The measures concern on one hand offenses of a purely military character and on the other offenses which are also covered by the other laws.

MILITARY OFFENSES.

In regard to the above it is to be noted that this act of clemency aims not only at the pacification of minds, through a generous pardon, total or partial, granted to those who, in a moment of weakness and discouragement, failed to do their entire duty during the war; but also answers some obvious demands of equity that call for the employment of certain measures which, while they were necessary in moments of great anxiety for the fate of the country, might to-day seem too severe and therefore no longer necessary.

The present decree is inspired by a fundamental conception according to which—apart from the lighter offenses, the clemency of the sovereign must be directed only to those who are most deserving owing to the valor shown in the war or to those who endeavored to retrieve their past by performing their military duties well, thus blotting out their misdemeanors.

AMNESTY.

The regulations concerning the amnesty—in regard to which for legal and penal purposes the offense is considered as never having taken place—establishes four categories of persons.

First of all, those who behaved with valor in the war, namely, those who have been decorated with medals for valor or who have

been promoted for merit of war; secondly, those who have been incapacitated through grave lesions or infirmities arising from their war service; thirdly, all the personnel of the military and auxiliary establishments; and, finally, all the others, military and civilians, who were condemned by military courts.

Naturally the proportion of benefits is different in regard to each of these four categories.

TOTAL OR PARTIAL COMMUTING OF SENTENCES.

The regulations concerning the pardon—which abolishes the sentence totally or in part, leaving, however, the existence of the offense—distinguishes among the following categories of persons:

1. Soldiers given a sentence already suspended and who have had an "irreproachable conduct," so that their respective commanders have already proposed them for total or partial pardon of the sentence;

2. Soldiers given a sentence which has already been suspended and who have "faithfully performed their duty and whose conduct has been good," but who have not been proposed for pardon;

3. Soldiers given a sentence which was not suspended owing to their unfitness for war service.

4. Soldiers and civilians guilty of an offense total sentence for which does not exceed three years if it consists of imprisonment, and 2,000 lire if it consists of a fine. The respective benefits granted to these various categories of offenders are:

For the first, the total or partial pardon in accordance with the proposal already made by their commanding officers; for the second category, the granting of a conditional sentence, together with the reduction of the sentence to a maximum of five years; for the third category! the reduction of the sentence to one-third of its total. For those condemned in the circumstances mentioned in article 4, total pardon.

Finally, in regard to all those who were given other sentences that were neither deferred nor suspended, a reduction of three years is granted, when the sentence concerned is one of imprisonment, and of 2,000 lire when the sentence concerned is a fine. The following, however, are excluded from the above-mentioned advantages; those who inflicted wounds on themselves and those guilty of the graver offenses, such as homicide, highway robbery, rape, the more serious forms of fraud in military supplies, etc.

OFFENSES OF DESERTION AND OF AIDING AND ABETTING DESERTION.

The decree contains especial regulations for offenses of desertion and of aiding and abetting desertion.

First of all the decree excluded from all benefits—as undeserving of the clemency of the sovereign—deserters from first-line units in face of the enemy or those who went over to the enemy, as well as armed military deserters who made use or attempted to make use of their arms against the police.

On the contrary, the amnesty applies to:

(a) Soldiers whose penal proceedings were suspended because of the fact that they were deserters for the first time and who did military service for at least 6 months:

(b) Deserters whose absence did not last longer than 15 days and who are included in one of the following categories:

1. Those who reported themselves of their own free will before October 31, 1918 (that is, before the conclusion of the armistice);

2. Those who performed their war duties well, who were awarded recompenses, or who were severely incapacitated;

3. Those who delayed their return after a furlough or after a period of exemption, but whose service was good and who were maimed or wounded;

4. Those who abandoned their post only after the armistice, and who always served faithfully, and whose conduct was good.

In regard to the offense of aiding and abetting desertion, the decree differentiates according to whether the accomplice was a stranger to or a close relation of the deserter, granting the latter a full pardon and decreasing the sentence of the former by one-third, except in regard to those who committed the offense for purposes of gain or in favor of deserters excluded from the benefits of the present decree and also those who were not first offenders.

NONMILITARY OFFENSES.

It is but natural that in regard to these offenses also greater consideration should be paid to those who can be called the more direct artisans of the victory, namely, those decorated with medals for valor, those promoted for merit of war, those disabled, or, to a lesser extent, those who served faithfully in the Army for a certain time.

It has been thought advisable to join to these, within certain limits, for the benefits of the amnesty, those who even if they were not in a condition to take part in the war by exposing their own persons, still suffered sorrows and sacrifices through their losses in the persons of their dearest relations.

A second group of regulations deals, independently of all elements of merit, direct or indirect in the war, with all the offenses in general which are not of a particularly grave sort and which do not tend to show a particular depravity of mind.

Thus a just breadth of views has been employed also in regard to offenses arising from conflicts of a political or economic sort, committed by the masses, not so much through evil tendencies as through a collective aberration in the appreciation of certain situations or in the wish of desired improvements.

The motive and character of the present amnesty, however, have made it imperative to exclude absolutely from its benefits not only the offenses committed against the highest interests of the country, but also those consisting in frauds and speculations harmful to the resistance of the country.

Besides, in the field of special war legislation also it is proposed to extend the clemency to all those offenses which were committed through ignorance or necessity and which form but unimportant cases.

ROYAL DECREE NO. 1083, JULY 4, 1919.

ARTICLE 1. Offenses which in virtue of the present decree and of article 5 of Royal Decree No. 160 of February 21, 1919, are devolved to ordinary jurisdiction, the rules and sanctions of the Penal Code are to be applied.

ART. 2. Devolved to the ordinary judicial authorities are all proceedings which are pending and which should be brought before the war or territorial military tribunals or maritime tribunals of the territories, as comprised within the confines of the Kingdom, as against persons or for offenses subject to military jurisdiction only during war time, irrespective of the manner of subjection by proclamations or special laws issued during the war.

ART. 3. Devolved to ordinary jurisdiction is the judgment of offenses committed by soldiers exempted from active service during the period of exemption, and by workmen under military control, except that they be facts established as offenses exclusively in the military penal codes.

ART. 4. The military jurisdiction in respect of persons that are subject to it in conformity with articles 323 and those succeeding, of the army penal code, article 361 and following articles of the maritime military penal code, ceases from the day on which the class or category to which the soldiers belong, is released from service except those that may have been detained for reasons peculiar to the service or for other motives reflecting their personal qualities.

ART. 5. Subject to military jurisdiction, notwithstanding their release from military service, are all persons charged with having committed offenses, during their military service, considered as such exclusively in military penal codes, irrespective of the period in which penal action has commenced.

Subject in like manner to military jurisdiction, even after their release from service, are the soldiers of the Royal Army, of the Royal Navy, customhouse officers and their dependents, for offenses as established in articles 179, 180, 188 of the penal code of the army, and 201, 202, 211 of the maritime military penal code if the damage done to the military administration, to the corps, or to individuals comprising same, should exceed 500 lire, and in the articles from 191 to 199 of the army penal code and from 213 to 220 of the maritime military penal code.

ART. 6. From the disposition of the preceding articles are excepted the proceedings which, at the date on which the present decree becomes operative, have already begun, and those relative to the crimes of treachery and espionage irrespective of the stage arrived at in the examination or judgment.

Against sentences passed in such proceedings after the present decree has come into force, and against sentences already passed in proceedings relative to offenses which, in accordance with the present decree and Royal Decree No. 160 of February, 1919, are devolved to the ordinary jurisdiction, an appeal for annulment is permissible to the supreme war and marine tribunals, even where sentences of a war tribunal or extraordinary military tribunal are concerned.

When the supreme tribunal annuls and remits the said sentences, the new judgment comes within the competency of the ordinary judicial authorities, excepting cases dealing with offenses of treachery and espionage.

ART. 7. Whereas the ordinary validity holds good for the acts of examination accomplished by the military judicial authorities in the proceedings which, pursuant to the present decree, devolve to the ordinary judicial authorities, the latter will provide, if necessary, for the closing of the examination and for the remitting to judgment, in accordance with the rules of common penal proceedings.

In the proceedings proper the military judicial authorities remits the acts to the public prosecutor at the court of appeals of the respective district, which provides for the ulterior course in accordance with the rules governing ordinary competency.

ART. 8. Excepting that which is established by the preceding articles, and excepting the application of article 311 of the army penal code, all proceedings pending before military war tribunals included within the confines of the kingdom are remitted on suppression of the tribunals proper, and after the cessation of hostilities, to the territorial military tribunal under whose jurisdiction comes the drafting district to which the accused belongs.

Unchanged is the disposition as per paragraph of article 575 of the army penal code.

ART. 9. Invalid are the provisions relative to the suspensions or respites of the execution of sentences passed by military tribunals, with the exception of those which concern conditional conviction and the faculty of common penal proceedings pursuant to article 583 of the code.

The limit in respect of penalties as per Article I of Royal Decree No. 160 of February 21, 1919, for the applicability of the benefit of conditional convictions, is augmented to two years.

ART. 10. The revision of sentences of military tribunals and military maritime tribunals is permitted in cases conforming to and reflecting Chapter IV, Title III, Book III of the code of penal proceedings in force at present, with the modifications established, respectively, in Nos. 1 and 2 of article 537 of the army penal code and article 566 of the military maritime penal code.

ART. 11. The present decree takes effect on the date of its publication in the *Gazzetta Ufficiale del Regno*.

ANALYSIS OF ITALIAN ROYAL DECREE OF JULY 4, 1919.

A. Transfers to "ordinary judicial authorities," i. e., civil tribunals, all proceedings against persons or for offenses which are subject to military jurisdiction during war time only, "irrespective of the manner of subjection by proclamations or special laws issued during the war," saving only—

1. Treachery and espionage.

2. Proceedings which have already been begun.

B. Allows appeals from all sentences of the class covered by subhead (a), i. e., against persons or for offenses subject to military jurisdictions during war time only, whether—

1. Adjudged after this decree takes effect (under the provisions of subhead (a), retaining jurisdiction in military courts of proceedings already begun), or (2) "already passed" to the supreme war and marine tribunal, (3) "even where sentences of a war tribunal or extraordinary military tribunal are concerned."

C. In case of reversal ("annulment") on appeal of any case appealed under the provisions of subhead (b), the case is to be remanded for a new trial to "the ordinary judicial authority," i. e., to the proper civil tribunal.

1. Except cases of treachery and espionage.

D. The revision of sentences of military tribunals and military maritime tribunals is permitted in certain cases.

1. (Viz, cases falling within chap. 4, Title III, Book III of the Code of Penal Procedure, as modified by secs. 1 and 2 of art. 537 of the Army Penal Code and art. 566 of the Military Maritime Penal Code.)

E. Proceedings not covered by the provisions of subheads (a) and (b) pending before a military war tribunal are to be transferred upon the suppression of those tribunals after the cessation of hostilities to the territorial military tribunals.

1. Saving the provisions of articles 311 and 575 of the Army Penal Code.

F. The provisions relative to suspension and respite of the execution of sentences of military tribunals are repealed, excepting—

1. Those concerning conditional convictions "and the faculty of common penal proceedings pursuant to article 583 of the code."

G. The limit in respect of penalties as per article 1 of Royal Decree No. 160 of February 21, 1919, for the applicability of the benefit of conditional convictions is augmented to two years.

ANALYSIS OF ITALIAN ROYAL DECREE OF SEPTEMBER 2, 1919.

A. Desertion.

1. Amnestied if the total authorized absence (even if repeated) do not exceed six months.

2. If the absence exceeded six months the punishment is commuted to conditional conviction, and is reduced as follows:

(a) Solitary confinement reduced to 10 years' "military reclusion."

(b) All other punishments to 5 years' "military reclusion."

B. Excluded from all amnesty:

1. Desertion to the enemy.

2. Armed desertion (under art. 4, royal decree No. 1952, Dec. 10, 1917).

C. Shirkers ("renitenti") (equivalent to French "insoumis," men who failed to respond to the call to the colors). Amnesty is granted to men who—

1. Served or registered for service in one of the allied or associated armies prior to November 4, 1918.

2. Were exempted by an allied or associated government from military service because connected with industries or administration affecting the defense and the economy of the state.

3. Had resided up to the time of the call to arms and during the war up to November 4, 1918, in: An enemy country; Russia; Roumania; countries outside of Europe (except Italian dominions and protectorates, Egypt, Tunis, Algeria, or Morocco).

4. Were unfit for military service because of physical infirmity.

D. Amnesty is granted for all other military offenses committed during the war punishable by restrictions of personal liberty not exceeding 10 years, or by pecuniary fines or forfeitures not exceeding

10,000 lire, or by dismissal, compulsory resignations, removal, deprivation, or suspension from rank, or suspension from employment.

E. Punishment for other offenses are commuted as follows:

1. Punishments restricting personal liberty over a period not exceeding seven years, and pecuniary punishments not exceeding 10,000 lire, are "condoned."

2. More severe punishments are curtailed "to the same extent," provided, "suspension or dilation has not been ordered."

3. Solitary confinement for life is "reduced by one grade."

F. Excluded from pardon:

1. Deserters to the enemy.

2. Individuals convicted of treachery.

3. Those convicted of offenses against enlistment (under arts. 74 and 66, pars. 1 and 2, of the Military Penal Code; and arts. 75 and 76, pars. 1 and 2, of the Military Maritime Penal Code).

G. Convictions to military reclusion and to confinement, "inflicted or to be inflicted":

1. Commuted to conditional convictions, and at the same time,

2. Reduced by one-half if they amount to or exceed 20 years, and by one-third if less than 20 years.

H. Punishments inflicted of which suspension or "dilation" of execution during the war has been ordered are—

1. Commuted to conditional punishments, and also

2. If over five years, reduced to five years.

I. The benefits of this decree are to be applied by the "ordinary judicial authorities," as well as by military and naval authorities.

J. Cumulation of benefits in the event of concurrence of more than one of the benefits of this decree (or of this decree and that of February 21, 1919, together) in favor of the same person, the most favorable benefit is to be applied.

In case of the concurrence of the benefit of reduced punishment with that of conditional conviction, the two benefits cumulate.

In case of the concurrence of offenses and punishments, the amnesty is applied separately to each offense.

K. As to all sentences commuted under this decree to conditional conviction, the commutation is to become final, and the conviction to cease to have any effect if the convicted person does not commit at any time within five years from the date of this decree any offense against either the military or the civil code.

1. Penalties of loss of rank and suspension of employment inflicted as necessary to punishments of restricted personal liberty which are pardoned or commuted under this decree may be removed upon application with the approval of the general military advocate (judge advocate general).

Civil offenses amnestied:

(a) Publications, offenses committed "through the medium of the press" prior to July 28, 1919.

(b) Manslaughter.

(c) Criminal wounding.

(d) Political offenses:

1. Offenses committed during popular disturbances, public demonstrations, and agitations due to political or economic causes. (Excluding homicide.)

2. Offenses against the "freedom of labor."

3. Wrongful "abandonment of one's duty" (under art. 191, Penal Code).

4. Violence, insults, and resistance to public authority, instigating disturbances, agitations, etc., provided (1) the person condemned had not been previously convicted for this kind of offense, and provided (2) the offense was committed before July 22, 1919.

5. Violations of the royal decree of May 23, 1915, containing extraordinary provisions for the public safety.

(e) Criminal abortion.

(f) Offenses against property not included in the foregoing, and of a character upon which no penal action may be taken without a complaint being lodged.

(g) Violations of certain articles of the Penal Code concerning public order and public protection of property, and violations of the police service act, and of proclamations issued by military authorities relating to the conduct of civilians.

(h) Any other offense punishable only by pecuniary penalty not exceeding 100 lire or by restriction of personal liberty not exceeding one month (except violations of royal decrees Nos. 1146 and 1296, July 13 and 14, 1919, and No. 1360 of Aug. 3, 1919).

(i) Surtaxes and pecuniary penalties incurred and not paid up to the date of the promulgation of this decree for infractions of the law concerning stamp taxes, taxes on registration, on succession, and other taxes.

(j) Railway men: Penalties imposed on the personnel of the State railways for various violations of the regulations relating to them.

Military offenses: The following military offenses are amnestied outright:

Every criminal offense created by any provision of royal decree or by proclamation of the military authorities.

Personal amnesty to soldiers and persons in the military service:

(a) Complete amnesty for offenses prosecution of which was suspended by royal decree No. 811, July 10, 1915.

"If the suspension is derived from military service done by the person accused, and provided the question concerns an offense punishable by a penalty restricting personal liberty not exceeding a maximum of 10 years or by a pecuniary penalty of any amount."

(b) Any offense committed by any person who prior to the date of the offense—

1. Was disabled because of wounds or infirmities suffered during war service or by certain acts of war.

2. Had gained two medals for valor or had been promoted twice, or had received one medal for valor and one promotion.

(c) Any offense punishable by a penalty restricting personal liberty not exceeding five years or by a pecuniary penalty in any amount, if the person accused had prior to the date of the offense (1) gained one medal for valor, or (2) received one promotion.

Partial amnesty: A reduction of one-half of the penalty is granted in favor of all persons who have had no previous conviction for crime, in all cases punishable by a pecuniary penalty not exceeding 3,000 lire, or by restriction of personal liberty not exceeding one year (provided none of the provisions for complete amnesty are applicable).

Complete amnesty is also granted for violation of certain articles of the Penal Code relating to "criminal acts against the country and the state powers."

The amnesty, except where otherwise specifically provided, applies to all acts committed prior to the date of the promulgation of the decree.

ITALIAN AMNESTY DECREE OF SEPTEMBER 2, 1919, PUBLISHED IN
THE GAZETTA UFFICIALE—MILITARY OFFENSES.

DESERTERS.

ART. 1. Amnesty is conceded in cases of desertion, even if repeated, provided the total period of arbitrary absence does not exceed six months.

If the total period of arbitrary absence should exceed six months, the punishments inflicted or to be inflicted for the offense of desertion are commuted to conditional convictions, substituting 10 years' military reclusion for solitary confinement for life, and reducing to 5 years the same punishment for all the others. Excluded are the cases of desertion to the enemy and offenses of armed desertion as provided for in article 4 of Royal Decree No. 1952 of December 10, 1917.

RESIDENTS IN FOREIGN COUNTRIES.

ART. 2. Amnesty is conceded to shirkers ("renitenti"). The Italians make a distinction between men who have never served in the army and those who have. In the former case, men who do not answer the call are classed as "renitenti," whereas the latter are considered deserters (translator's note), and to deserters who did not answer the call to arms for mobilization during the war, who can advance extenuations in respect of one of the following conditions:

(a) Men who have served in the allied or associated armies or at least have been registered for service in one of the said armies before November 4, 1918;

(b) Who have been exempted by an allied or associated Government from military service because connected with industries or administrations affecting the defense and the economy of the State;

(c) Who had resided up to the time of the call to military service and during the war up to the date indicated in paragraph (a) in an enemy country, in Russia, in Roumania, and in countries out of Europe (Italian dominions and protectorates, Egypt, Tunisie, Algeria, and Morocco excluded);

(d) Who were unfit for military service in respect of infirmity as contemplated in the new schedule of physical imperfections and infirmities which gave exemption from military service (1917 edition). In which case the party concerned shall deliver to the competent military advocate the proofs necessary for the application of the amnesty. The amnesty does not dispense with the necessity of serving in the army of men who have been drafted in with the class to which they belong, except that they be entitled to exemption.

OTHER OFFENSES.

ART. 3. Amnesty is conceded for the other military offenses committed during the war, punished by restrictions of personal liberty not exceeding 10 years, or by pecuniary measures considered as separate punishment or conjointly with restricted liberty, not to exceed 10,000 lire, or punishable by dismissal, resignation, removal, privation, or suspension from rank from employment considered separately or in conjunction with the other punishments as indicated in the preceding article.

ART. 4. Convictions to temporary punishments to be inflicted for the offense of desertion of soldiers who are still at large as the present decree comes into force, provided all subjects of imputation give themselves up to the consular military authorities of Italy, are commuted to conditional convictions; solitary confinement for life is commuted to military reclusion.

TEMPORARY PUNISHMENTS AND SOLITARY LIFE CONFINEMENT.

ART. 5. Temporary punishments restricting personal liberty over a period not exceeding seven years and pecuniary punishments not exceeding 10,000 lire, whether considered separately or in conjunction with the liberty restricting punishments inflicted or to be inflicted are condoned, and to the same extent, the severer punishments are curtailed, provided suspension or dilation has not been ordered.

The punishment of solitary confinement for life is reduced by one grade. To be excluded from said pardon are deserters to the enemy and individuals convicted for treachery and offenses against enlistment as provided in diverse provisions by articles 74 and 77, paragraphs 1 and 2, of the military penal code, and articles 75 and 76, paragraphs 1 and 2, of maritime military penal code.

ART. 6. Convictions to military reclusion and of confinement inflicted or to be inflicted are commuted to conditional convictions and at the same time are reduced by one-half if they reach to or exceed 20 years, and by one-third if less than 20 years.

ART. 7. Punishments inflicted for offenses of which the suspension or dilation of execution during the war has been ordained are commuted to conditional punishments; and if over five years, to be reduced to this limit.

CUMULATION OF BENEFITS.

ART. 8. The provisions of the present decree are also applicable by the ordinary judicial authorities competent in accordance with Royal Decrees No. 160 of February 21, 1919, and No. 1083 of July 4, 1919. For such application the said authorities will refer to the punishments comminated by the military laws. The provisions of the present decree relative to the offense of desertion are also applicable to soldiers that have committed the offenses as established in the last paragraph of article 8 of Royal Decree No. 561 of April 29, 1915.

ART. 9. In the event of concurrence of more than one of the benefits as conceded by the provisions of the present decree, in favor of the same person, the most favorable benefit will be applied. The

same rule is applicable in the event of a same person, and for a same offense, benefiting by the concurrence of concessions made as per royal decree February 21, 1919, No. 157. For the case of concurrence of the benefit of reduced punishment with that of conversion to conditional conviction, the two benefits cumulate.

ART. 10. In the case of concurrence of offenses and punishments the amnesty will be applied without distinction to each offense.

The amnesty is applied once after cumulation of the punishments in accordance with the laws.

The provisions for temporary release from prison in favor of those who, in virtue of the present decree, are entitled to dimission, can be made by the general military advocate or by officers of military justice as may be delegated by him.

ART. 11. In all cases in which, in virtue of the present decree, the conviction be commuted to conditional conviction, the commutation is affirmed and the conviction ceases to take effect if the person convicted does not commit within the limit of five years from the date of the present decree any offense as foreseen in the military penal codes or any crime presented by the common penal code or by other penal laws or otherwise expiated in accordance with the law prior to revocation on the part of the ordinary judge or military judge that passed the last sentence.

DEGRADATION.

ART. 12. The provisions pertaining to the loss of rank and to the suspension of employment inflicted or to be inflicted also as accessory to the punishment of restricted personal liberty for which the amnesty has intervened with pardon and commutation of punishment, will cease to take effect on application of the person concerned and pursuant to the opinion accordingly moved by the superior tribunal of war and marine, against which no complaint can be lodged, neither judicially nor through administrative channels. The opinion to be expressed following the deliberation of the council according to the prescribed rules laid down for deliberations of sentences; after hearing the conclusions drawn by the general military advocate and taking into consideration the sentence passed, the acts of penal procedure and every moral and juridical circumstance of the case. The supreme tribunal can also institute summary inquiries and address rogatory notes to the consular and judicial authorities. The application must be sent in by the person concerned within 180 days from the date on which the present decree comes into operation.

REINTEGRATION OF RANK.

ART. 13. The reintegration of rank is conceded by royal decree where the question concerns officers, and by ministerial decree in every other case.

Reintegration takes effect in the same rank as held by the soldier at the time of the conviction with recognition of the seniority enjoyed formerly.

ART. 14. The present decree is applicable to offenses mentioned therein, which were committed prior to the date it bears, and becomes operative on the day of publication in the *Gazetta Ufficiale del Regno*.

COMMON OFFENSES.

ARTICLE 1. Amnesty is granted:

1. For every offense committed through the medium of the press before July 28, 1919.

2. For criminal offenses as established in article 371 (criminal manslaughter) and 375 (criminal wounding) of the Penal Code, and for every criminal offense as established by the provisions of royal decrees, or proclamations of the military authorities.

3. For offenses respecting which the exercising of a penal action is still suspended by reason of the disposition of Royal Decree No. 811 of July 10, 1915, if the suspension is derived from military service done by the person accused and provided the question concerns offenses punishable by a penalty of restricted personal liberty not exceeding a maximum of 10 years, or by a pecuniary penalty of any amount both separate from or accompanied by said penalty.

4. For any offense imputed: (a) To the person who prior to the date of the offense was declared to be disabled because of wounds or infirmities suffered during war service or through act of war included in the first eight categories of table (a) annexed to decree No. 876 of May 20, 1917; (b) to the person who prior to the date of the offense had gained two medals for valor, or had been promoted twice or had received one medal for valor and one promotion.

5. For offenses punishable by a penalty restricting personal liberty not exceeding five years, or by pecuniary penalty for any amount either separately or accompanied by said penalty if the person accused has gained one medal for valor or received one promotion prior to the date of the offense.

6. For offenses contemplated under articles 115, 118, and 130 (comprised in the list of criminal acts against the country and the State powers) and in respect of these under article 134 of the Penal Code as well as for those contemplated under articles 133, 139, 140, and 141 of the same code.

OFFENSES FOR POLITICAL CAUSES.

7. For offenses committed during popular disturbances, public demonstrations, and agitations consequent on political causes and economical causes, homicide excluded, and the offenses included under article 372, Nos. 1 and 2 (personal injuries); articles 373, 408, and 409 of Penal Code (in respect of robbery and extortion).

8. For offenses against freedom and labor (arts. 165 and 167 of the Penal Code) committed before July 22, 1919.

9. For offenses of undue abandonment of one's own duty (art. 181, Penal Code).

10. For the crimes of violence and resistance against the authorities (arts. 187 and 190 of the Penal Code), and of outrages committed against persons vested with public authority (arts. 194 to 196 of the Penal Code).

11. For crimes of instigation to transgress and in respect of which, as contemplated under article 251 of the Penal Code, provided the person condemned has not undergone any preceding conviction for this kind of offenses and provided the offenses were committed before July 22, 1919.

12. For offenses as projected in royal decree No. 574 of May 23 1915, containing extraordinary provisions for the public safety.

13. For crimes included in articles 381 and 382 of the Penal Code (in respect of criminal abortion).

14. For offenses against property, not included in the preceding numbers for which the penal action can not be taken without a complaint being lodged.

15. For contraventions as included in articles 434 to 446, 453 to 459 (contraventions concerning public order); 475, 476, 482 (public safety); 493, 494 (public protection of property) of the Penal Code in the articles 1, 7, and 8 of the police service act of June 30, 1889, No. 6144, series 3A, and for those included in proclamations issued by military commands against civilians.

16. For any crime not contemplated in the preceding numbers and punishable by the sole pecuniary penalty not exceeding 100 lire and by the penalty of restricted personal liberty not exceeding one month, whether separately or accompanied by the said pecuniary penalty. Excluded from this benefit are the violations of royal decrees Nos. 1146 and 1296 of July 13 and 14, 1919, and No. 1360 of August 3, 1919.

For cases indicated at numbers 4 and 5 the party concerned must supply the public prosecutor with the proofs requisite for the application of the amnesty.

In the case indicated at number 3 the amnesty is exclusively personal.

ART. 2. In favor of persons that have had no preceding conviction for crime, a reduction of one-half of the penalty not exceeding 3,000 lire as well as the penalty of restricted personal liberty not exceeding one year, whether separately or accompanied by pecuniary penalty, is conceded provided the dispositions of the preceding article are not applicable to said convictions. Excluded from pardon are the convictions for violation of royal decrees Nos. 1146 and 1294 of July 13 and 24, respectively, and No. 1360 of August 3, 1919.

ART. 3. The amnesty and dispensations as provided in the two preceding articles are applicable to the penal actions and to the convictions in accordance with articles 86 and 87 of the Penal Code. In the case of concurrence of offenses of penalties, the amnesty is applicable to each separate offense, the partial amnesty is applicable but once—in conformity with the provisions laid down under article 77 and successive articles of the Penal Code. If the case concerns pecuniary penalty and that of restricted personal liberty, the partial amnesty is applicable to both.

ART. 4. The power of the present decree is extended to offenses included in same, which were committed up to the date preceding the date of the decree itself, except as established at numbers 1, 3, 4, 5, 8, and 11 of article 1.

Where the question concerns continued offenses or permanent offenses, the present decree is applied only in case the continuation or permanency shall have ceased not later than the tenth day prior to the date of said decree. This does not prejudice civil actions consequent on offenses nor the rights of a third party, nor the action of the Public Treasury in exacting the rights of judicial officials dependent from ordinances or sentences that have become irrevocable.

PECUNIARY PENALTIES.

Surtaxes and pecuniary penalties incurred and not paid up to the date of the present decree for infraction of the law:

(a) On taxes of registration and succession;

(b) On taxes by stamps; that is to say:

1. Taxes included in general tariff, inclosure (A) of the text of the law on tax stamps, No. 135 of January 6, 1918.

2. Taxes included in the special tariffs, inclosure (B) of the said single tax, relative to notes and bills of restaurants, wineshops, cafés, and other public functions; tickets on betting; on tickets for public entertainments; on perfumes and patent medicines; on jewelry and precious stones in general.

3. Taxes on urban and suburban tramways, urban omnibus, and navigation tickets as per decree No. 560 of April 23, 1918.

4. Taxes doubled as per decree No. 1134 of August 1, 1918.

5. Taxes on receipts, notes, and bordereaux relative to the entrance of merchandise and orders of withdrawal from the general stores; on the seasoning, purging, and weighing of silks, as per decree 1818, of November 17, 1918.

6. Taxes on the call for civil and commercial judgments as per decrees No. 1669 of October 17, 1918, and No. 230 of February 27, 1919.

7. Taxes on announcements in the papers, in periodicals and other publications, as per decrees No. 1825 of November 17, 1918, and No. 2003 of December 22, 1918.

CONCERNING RAILWAYMEN.

ARTICLE 1. In regard to the penalties imposed on the personnel of the state railways for faults committed within the period dating from May 24, 1915, to the date of publication of the present decree as per articles 37, 38, 39, 40, 41, 42 (excluded commas I, III, IV, V, VI, VII, VIII, X, XIV, XVIII, XIX, when the provision laid down in art. 51 has been applied), of the rules and regulations of the personnel as approved by royal decree No. 417, of July 22, 1906, and as per articles 180, 181, 182, 183, 184, 185, 186, 187, (excluded commas C, D, F, G), 188 (excluded commas A, B, D, F, G, H, K, N, P), when article 195 of the regulations for the personnel as approved by decree No. 1393, of August 13, 1917, has not been applied, the following provisions will be adopted, coming into operation, from the date of publication of the present decree:

(a) The cessation of every ulterior effect of censures, fines, suspensions of service, and retributions, of suspensions of rank and salary, of prorogation of the limit set for the normal increase in salary or wages, of degradations and retrocessions applied at the date of publication of the present decree, and therefore without retroactive effect;

(b) The censures, fines, suspensions of service and retributions, suspension of rank and salary, prorogations of the limit fixed for the normal increase in salary or wages, degradations, and retrocessions imposed for faults committed as per first comma and not applied up to the date of publication of the present decree, shall be condoned, with cessation of every ulterior effect;

(c) Cessation of disciplinary measures for provisions not unfolded at the date of publication of the present decree, consequent on the faults committed as per comma I.

ART. 2. The administrative board of the State railways is authorized to examine each case as presented by the persons interested and decide in regard to readmission of ex-agents that were revoked and dismissed for faults as per article 1.

ART. 3. The administrative board of the State railways is further authorized to examine and take a decision upon each case as presented in regard to the readmission of ex-agents dismissed by right of article 189, of the rules and regulations governing the personnel, for convictions comprised in the provision exposed in the amnesty as per royal decree No. 1501 of September 2, 1919.

Applications of persons concerned as per the present article and that preceding, should be presented within two months of the date of publication of the present decree, and not beyond two months from the release from military service where ex-agents are concerned, and not over two months from the communication of the disciplinary measure for the proceedings in course of development, of revocation, or dismissal, as per articles 2 and 3, not yet expiated.

Summary of Belgian law passed October 31, 1919, granting amnesty to military prisoners for offenses committed prior to October 4, 1919.

By this law amnesty is granted for the following offenses or crimes:

1. Desertions, subsequent to November 11, 1918, for periods not exceeding one month.

2. Misdemeanors, including embezzlements and thefts, perpetrated by first offenders, and by second offenders with certain reservations.

3. Infractions qualified as "in the presence of the enemy" for first offenders who are being or are to be punished by a sentence not exceeding five years, or by sentences of imprisonment, or by sentences not exceeding 10 years' detention. (For second offenders the conditions of the law are less lenient.)

4. Violence against senior officers and whence committed by a soldier in a house, where he has been lodged by the municipality, against an inhabitant of the house. (Differentiation is again made between first and second offenders.)

The following are excepted from the terms of the amnesty:

1. Crimes and misdemeanors against the safety of the State.

2. Desertions prior to November 11, 1919.

3. Desertions, except those after November 11, 1918, and the duration of which did not exceed 15 days.

4. Desertions lasting more than six months; desertions to the enemy; voluntary mutiny.

5. Recalcitrants and defaulters belonging to any contingent called to the colors during the war.

As "first offenders" in the above are considered those who have not been condemned for military crimes or misdemeanors; all those previously condemned of any of these infractions are considered "second offenders."

In no case can amnesty be opposed to rights of the State; neither can the amnesty be opposed to the rights of third parties. The military jurisdiction continues competent to judge civil actions in spite of the amnesty. Amnesty does not entail restitution of decorations, titles, function, etc., which have been withdrawn.

PROCLAMATION.

Whereas there is a considerable number of persons undergoing imprisonment, or subject to charges of prosecutions pending, or which may be instituted for offense against the military service act, 1917, and the order and regulations of the governor in council respecting military service, or for offenses committed in Canada against military law punishable by courts-martial described in sections 4 to 40, inclusive of the army act:

And whereas our governor general in council thinks it expedient, in view of the restoration of peace and for the general purposes of reestablishment, that an amnesty should be graciously extended to all such offenders so that those now undergoing imprisonment may be discharged; so that pending prosecutions for the offenses aforesaid may be stayed; so that the apprehension and prosecution of such offenders may be discontinued, and so that all offenses heretofore committed of the classes hereinbefore described, and the penalties thereby incurred and not actually enforced and paid, shall be generally pardoned, forgiven and remitted,

Now know ye that by and with the advice of our Privy Council of Canada we do by these presents grant amnesty to all offenders undergoing imprisonment or who are subject to charges or prosecutions pending, or which may be instituted for offenses against the military service act, 1917, and the orders and regulations of our governor in council respecting military service, or for offenses committed in Canada against military law punishable by courts-martial described in sections 4 to 40 inclusive of the army act: So that those now undergoing imprisonment may be discharged; so that pending prosecutions for the offenses aforesaid may be stayed; so that the apprehension and prosecution of such offenders may be discontinued, and so that all offenses heretofore may be discontinued, and so that all offenses heretofore committed of the classes hereinbefore described, and the penalties thereby incurred and not actually enforced and paid shall be, and the same are hereby, pardoned, forgiven, and remitted.

Of all which our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of Canada to be hereunto affixed.

Witness: Our Right Trusty and Right Entirely Beloved Cousin and Counsellor, Victor Christian William, Duke of Devonshire, Marquess of Hartington, Earl of Devonshire, Earl of Burlington, Baron Cavendish of Hardwicke, Baron Cavendish of Keighley, Knight of Our Most Noble Order of the Garter; One of Our Most Honorable Privy Council; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Cross of Our Royal Victorian Order; Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twentieth day of December, in the year of Our Lord one thousand nine hundred and nineteen, and in the Tenth year of Our Reign.

E. L. NEWCOMBE,
Deputy Minister of Justice, Canada.

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